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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,566	05/31/2001	Jyotirmoy Paul	50277-1607	2691

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EXAMINER	
NAWAZ, ASAD M	

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/872,566	PAUL ET AL.	
	Examiner	Art Unit	
	Asad M. Nawaz	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3-5,7-13 and 27-36* is/are pending in the application.

4a) Of the above claim(s) *7-13, and 27-29* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3-5 and 27-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *7/7/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

RESPONSE TO AMENDMENT

1. This action is responsive to amendment received on August 7, 2006. Claims 7-13, and 30-36 are non-elected claims and are withdrawn from consideration. Claims 3-5 and 27-29 are pending further examination.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 7/7/06 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered the information disclosure statement.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 3-5 and 27-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Liao (US Patent No. 6,185,208).

As to claim 3, Liao teaches a method of interacting with a client process on a mobile device connected to a network over a wireless link, the method comprising the steps of:

managing information at a mobile applications server (fig 6A, 610) executing on a platform connected to the network (fig6A, 606), the information including device profile information (Fig 6A, 610) about the mobile device (fig 6, 616), wherein the device profile information includes a buffer size describing a number of characters the mobile device can receive on input without loss of input data (col 4, lines 50-65 and col 5, lines 1-15; the profile information stores numerous information about the client device including he type of network the device is capable of transmitting information in. Such information is used to determine the amount of characters the device buffer can receive. For example, SMS can take 140 bytes of data);

receiving, from an application, first data describing a plurality of graphical elements fro display on the mobile device (Fig 2, col 5, lines 17-55 and 66-67; the message is sent with the graphical elements being the characters to be displayed)

determining, based on the device profile information, whether the first data exceeds a capacity of the mobile device, wherein the capacity is based on the buffer size (col 5, lines 20-25 and col 6, lines 3-10; the a decision block determines the size of the message and compares it to a predetermined maximum size which is based off of the device profile);

and if it is determined that the first data exceeds the capacity, then forming a subset of the first data that does not exceed the capacity of the mobile device and sending the subset of the first data to the client process (col 6, lines 23-47; after fragmentation, an initial fragment is sent to the mobile device).

As to claim 4, Liao teaches a method of interacting with a client process on a mobile device connected to a network over a wireless link, the method comprising the steps of:

managing information at a mobile applications server (fig 6A, 610) executing on a platform connected to the network (fig6A, 606), the information including device profile information (Fig 6A, 610) about the mobile device (fig 6, 616);

receiving, from an application, first data describing a plurality of graphical elements fro display on the mobile device wherein the first data indicates that a particular graphical element of the plurality of graphical elements is current (Fig 2, col 5, lines 17-55 and 66-67; col 8, lines 45-53; the message is sent with the graphical elements being the characters to be displayed. Furthermore, message the decision block is awaiting is new and thus the characters current);

determining, based on the device profile information, whether the first data exceeds a capacity of the mobile device (col 5, lines 20-25 and col 6, lines 3-10; the a decision block determines the size of the message and compares it to a predetermined maximum size which is based off of the device profile);

and if it is determined that the first data exceeds the capacity, then forming a subset of the first data that does not exceed the capacity of the mobile device wherein the subset includes the particular graphical element and sending the subset of the first data to the client process (col 6, lines 23-47; after fragmentation, an initial fragment is sent to the mobile device).

As to claim 5, Liao teaches a method of interacting with a client process on a mobile device connected to a network over a wireless link, the method comprising the steps of:

managing information at a mobile applications server executing on a platform connected to the network, the information including device profile information about the mobile device and the step of managing the information at the mobile applications sever further comprising; requesting the device profile information from the mobile device; receiving the profile information from the mobile device; and storing the device profile information (col 4, lines 50-65 and col 5, lines 1-15; the profile information stores numerous information about the client device including he type of network the device is capable of transmitting information in. Such information is used to determine the amount of characters the device buffer can receive. For example, SMS can take 140 bytes of data);

receiving, from an application, first data describing a plurality of graphical elements fro display on the mobile device (Fig 2, col 5, lines 17-55 and 66-67; the message is sent with the graphical elements being the characters to be displayed);

determining, based on the device profile information, whether the first data exceeds a capacity of the mobile device (col 5, lines 20-25 and col 6, lines 3-10; the a decision block determines the size of the message and compares it to a predetermined maximum size which is based off of the device profile);

and if it is determined that the first data exceeds the capacity, then forming a subset of the first data that does not exceed the capacity of the mobile device and

sending the subset of the first data to the client process (col 6, lines 23-47; after fragmentation, an initial fragment is sent to the mobile device).

Claim 27 is essentially the computer-readable medium of the method recited in above-rejected claim 3 and is thus rejected under similar rationale.

Claim 28 is essentially the computer-readable medium of the method recited in above-rejected claim 4 and is thus rejected under similar rationale.

Claim 29 is essentially the computer-readable medium of the method recited in above-rejected claim 5 and is thus rejected under similar rationale.

Response to Arguments

5. Applicant's arguments filed have been fully considered but they are not persuasive. In substance the applicant argues that Liao does not discloses the 140 bytes is a network limitation and not that of the device.

6. In response, contrary to the applicants arguments, the size disclosed in Liao is not a limitation of the network, rather it is that of the device. SMS stands for short message service and is a service available on GSM network capable devices. A device's data reception capacity and limitations may be based upon numerous variables such as hardware limitations, application limitations, service limitations, etc. which is not specified by the claim language as the buffer may simply be a software data structure defined in the profile. Because a device utilizes SMS service, its capacity is based upon the service limitations. Therefore a mobile device simply can not receive more than 140 bytes of data. Therefore, Liao still meets the scope of the invention as currently claimed.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M. Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMN

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER